

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

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Rechtsanwälte • Patentanwälte

~ 8. März 2006

Date of mailing (day/month/year)
02 March 2006 (02.03.2006)

Applicant's or agent's file reference
1734-04

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/002854

International filing date (day/month/year)
18 March 2004 (18.03.2004)

Applicant

P & S VORSPANNSYSTEME AG et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
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Authorized officer

Agnes Wittmann-Regis

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 1734-04	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/002854	International filing date (day/month/year) 18 March 2004 (18.03.2004)	Priority date (day/month/year) 18 March 2003 (18.03.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant P & S VORSPANNSYSTEME AG			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

Date of issuance of this report 21 February 2006 (21.02.2006)
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Authorized officer

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 1734-04		Date of mailing (day/month/year)
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/EP2004/002854	International filing date (day/month/year) 18.03.2004	Priority date (day/month/year) 18.03.2003
International Patent Classification (IPC) or both national classification and IPC		
Applicant P & S VORSPANNSYSTEME AG		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input checked="" type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/002854

Box No. I	Basis of this opinion
1.	With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item. <input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material <input type="checkbox"/> a sequence listing <input type="checkbox"/> table(s) related to the sequence listing b. format of material <input type="checkbox"/> in written format <input type="checkbox"/> in computer readable form c. time of filing/furnishing <input type="checkbox"/> contained in the international application as filed. <input type="checkbox"/> filed together with the international application in computer readable form. <input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.
3.	<input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4.	Additional comments:

WRITTEN OPINION OF THE
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Box No. II Priority

1. The following document has not yet been furnished:
 copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).
Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/002854

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>_____</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-4,6,7,9</td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td>_____</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>5</td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1-9</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>_____</td> <td>NO</td> </tr> </table> <p>2. Citations and explanations:</p> <p>1 In the present report, reference is made to the following document: D1 : DE 704 518 C (PAUL KAEHLER) 1 April 1941 (1941-04-01)</p> <p>2 INDEPENDENT CLAIM 1</p> <p>The present application does not satisfy the requirements of PCT Article 33(1), because the subject of Claim 1 is not new in the sense of PCT Article 33(2). Document D1 discloses:</p> <p>“A rigging arrangement with over-tension protection with</p> <ul style="list-style-type: none"> - a first element to be anchored (g), - a second element to be anchored (f), which is rigged against the first anchored element (g), and - a mounting bolt (a) for rigging, wherein by means of - a sleeve (d) which with the mounting bolt (a) is anchored against the second element (f) to be rigged and which is guided through the first element (g) to be rigged, - and a sleeve mounting device (h) which engages the sleeve (d) and anchors the first rigging element (g) against the second element (f) to be rigged, - where the sleeve (d) is loosened by the sleeve mounting device (h) up to a prescribed degree of unloading and - where exceeding an operating force that separates the first and the second elements to be rigged (g, f) from each other beyond an operating force limit leads to a relaxation of the sleeve (d) relative to the anchoring by the mounting bolt (a) and to the subsequent breaking of the mounting bolt (a).” <p>It is always possible to rig a connection over an operating force limit and therefore this feature is given implicitly in D1.</p> <p>3 INDEPENDENT CLAIM 7</p>			Novelty (N)	Claims	_____	YES		Claims	1-4,6,7,9	NO	Inventive step (IS)	Claims	_____	YES		Claims	5	NO	Industrial applicability (IA)	Claims	1-9	YES		Claims	_____	NO
Novelty (N)	Claims	_____	YES																							
	Claims	1-4,6,7,9	NO																							
Inventive step (IS)	Claims	_____	YES																							
	Claims	5	NO																							
Industrial applicability (IA)	Claims	1-9	YES																							
	Claims	_____	NO																							

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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PCT/EP2004/002854

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The present application does not satisfy the requirements of PCT Article 33(1) because the subject of claim 7 is not novel within the meaning of PCT Article 33(2). Document D1 discloses (see page 2, lines 4-24):

"A process for rigging two elements to be anchored (g, f) by means of a mounting bolt (a), a sleeve (d) and a sleeve mounting device (h) with the steps:

- i - anchoring the sleeve (d) by means of the mounting bolt (a) against the second element (f) to be rigged, at which time the mounting bolt (a) compresses the sleeve (d),
- ii - rigging the first element (g) to be anchored on the second element (f) to be anchored by rigging it with the sleeve mounting device (h), at which time the sleeve mounting device (h) engages the sleeve (d) extending through the first device (g) to be anchored in such a way that the sleeve (d) is relaxed up to a prescribed degree of unloading relative to the previous compression,
- iii - in such a way that an operating force drives the first and second elements (g, j) to be anchored in opposite directions above a prescribed operating force limit until the sleeve (d) is completely unloaded and causes the mounting bolt (a) to break".

Feature iii represents an effect occurring during use. Since D1 has the same structure and the same process steps (i, ii) this same effect (iii) is also implicitly occurring in D1, especially as a result of the choice of the material of the mounting bolt.

4 INDEPENDENT CLAIM 8

The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of Claim 8 is not novel within the meaning of PCT Article 33(2). Document D1 discloses (see page 3, lines 25-28):

"Mounting bolt (a) and sleeve (d) for use in an anchoring arrangement or in combination with a process wherein the mounting bolt (a) consists of a more elastic material than the sleeve" (implicit, page 2, lines 16-19).

5 DEPENDENT CLAIMS 2-6, 9

Claims 2-6, 9 do not contain any features that in combination with the features of any claim to which they refer back satisfy the requirements of the PCT with respect to novelty and inventive activity.

Claims 2, 3, 4: The features are implicitly derived from D1 (page 2, lines 25-115).

WRITTEN OPINION OF THE
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International application No.
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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Claims 6,9: D1 also discloses all features mentioned in these claims.

Claim 5: The possibility of affixing a mounting bolt in a boring with internal threading in the second element to be anchored is a commonly used measure (see search report).